

## UPDATED INFORMATIVE DIGEST

These regulations are necessary to promote the best interest of children in out-of-home care by providing clarity to direct foster care and adoption agencies. These regulations comply with the provisions from noted state legislative bills. The intent of this revision is to implement the "post-adoption contact agreement."

The proposed regulations are necessary to implement the post-adoption contact agreement and replace the term "kinship adoption agreement." The kinship adoption agreement was established by Assembly Bill (AB) 1544 (Chapter 793, Statutes of 1997), allowing adopting parents who are related to the child to enter into a "kinship adoption agreement" with the birth parents or birth relatives and remain in contact with the child after adoption.

AB 2921 (Chapter 910, Statutes of 2000) changed all reference of "kinship adoption agreement" to "post-adoption contact agreement" and authorized nonrelative adopting parents to enter into such agreements voluntarily. This regulation update does not constitute new activities. The proposed regulations would merely replace the term "kinship adoption agreement" with the term "post-adoption contact agreement."

Senate Bill (SB) 1357 (Chapter 858, Statutes of 2004) amended Family Code section 8616.5 stating that a post-adoption contact agreement is available for all types of child adoption, agency, independent, and intercountry. A foster parent may be able to remain in contact with the child after adoption.

The proposed regulations amend Division 31, Section 31-002 and Handbook, Legal Permanency, Section 8714.7 of the Child Welfare Services Manual, Manual of Policies and Procedures. The Legislature found and declared that some adoptive children may benefit from either direct or indirect contact with birth relatives, including the birthparent or parents or any siblings, or an Indian tribe, after being adopted. A post-adoption contact agreement is intended to ensure children of continuing contact, when contact is beneficial to the children and the agreements are achievable and voluntarily executed. Included parties within a post-adoption contact agreement may be birth relatives, including the birth parent or parents or any siblings, or an Indian tribe, and adoptive parents. Any and all parties are not required to participate in the development of a post-adoption contact agreement in order for the agreement to be executed.

Moreover, the proposed regulations would not alter existing CDSS forms, however does update the title and revision date of the Judicial Council form ADOPT-310 from (1/99) to (1/03) and title from "Kinship Adoption Agreement" to "Contact After Adoption Agreement" and CDSS defining it in these regulations as "Post-Adoption Contact Agreement" to align with Family Code section 8616.5. The ADOPT-310 Judicial Council form has been further modified, revision date (1/18), to add Family Code section 8616.5 on the form as a reference and other modifications include technical, grammatical, and organization changes. The form is available on-line at <http://www.courts.ca.gov/cms/formnum.htm>.

**Benefits:**

The anticipated benefit of these regulations is to be in compliance with kinship adoption agreement legislation established by AB 1544 (Chapter 193, Statutes of 1997), allowing adopting parents who are related to the child to enter into a "kinship adoption agreement" with the birth parents or birth relatives and remain in contact with the child after adoption. Moreover, the benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Provide clarity and direction for foster care agencies. The new terms are more inclusive as it implies that post-adoption contact agreements may include those who are not related, kin, to the child or children being adopted. These relationships with non relative children and/or adults may represent a positive force for children who may have experienced trauma, thus aiding in the health and welfare of California residents. This regulatory action does not affect worker safety or the state's environment.

**Consistency:**

The CDSS has found these regulation amendments neither inconsistent or incompatible with existing regulations because research was done by program to determine that these are non-duplicating and non-repetitive regulations, and that they do not negate or overlap other existing regulation or law. Further, these regulations are not duplicative of any federal law.

**Incorporation by Reference:**

This action modifies, as stated above, the ADOPT-310 (1/99) Judicial Council form, which is currently incorporated by reference at Section 35001(j)(6), to ADOPT-310 (1/18). There are no other documents being incorporated by reference.

**Public Notice and Non-Substantive Changes:**

These regulations were noticed to the public for a 45-day comment period from February 2, 2018 through 5:00 p.m. on March 21, 2018. Comments were received, which resulted in non-substantive text changes [Handbook Section 35064(a)(1)]. In addition, CDSS made other non-substantive grammatical, technical, and reorganization changes to the regulations text as demonstrated in Section a) of the Final Statement of Reasons.